

# Exhibit 5

**DECLARATION OF ROBERT L. APTER, M.D., FACEP**

1. My name is Robert L. Apter. I am over the age of 18 and am competent to make this declaration. The facts set forth in this declaration are based on my personal knowledge and are submitted solely in my own capacity.
2. I reside in Arizona. I am licensed to practice medicine in Arizona and Washington.
3. The attached curriculum vitae is true and accurate.
4. I graduated from the University of Colorado School of Medicine in 1974. I have over 40 years of experience practicing emergency medicine.
5. I am a certified Diplomate of the American Board of Emergency Medicine and a Fellow of the American College of Emergency Physicians.
6. I have done over 6,000 patient consultations for COVID-19 through MyFreeDoctor.com, about half for prophylaxis and half for treatment, with over 99.9% survival. I have frequently prescribed ivermectin to these patients and found the treatment effective.
7. Ivermectin is a very safe drug. I have witnessed few side effects, none of which were serious.
8. Statements by the FDA to stop using ivermectin to treat COVID-19 have interfered with my ability to exercise professional medical judgment in practicing medicine.
9. Off-label prescriptions are a regular and well-established medical practice, and may be necessary for the effective treatment of each unique patient.
10. The FDA has repeatedly derided ivermectin as a horse dewormer that should not be used for COVID-19 and told the public to stop using it. This has interfered with my ability to exercise professional medical judgment in prescribing it off-label for that purpose. In my experience, off-label prescriptions for ivermectin are now treated differently from other drugs.
11. Pharmacists have refused to fill ivermectin prescriptions for my patients, citing the FDA's statements on using it to treat COVID-19. This delays my patients in obtaining their prescribed treatment—when early intervention is paramount—while they look for a pharmacy to fill their prescription, if they are able to find one at all.
12. The practice of medicine has increasingly become highly driven by standards and guidelines. Doctors are increasingly employees of hospitals and

especially large hospital systems, and of large staffing agencies such as Team Health and Envision Physician Services. These entities look to the FDA for guidance and establish guidelines and standards accordingly, whether or not the FDA can enforce them.

13. Doctors have to follow these guidelines. These employing entities use electronic medical records to monitor the prescribing habits of doctors and use compliance with guidelines and standards as a way to monitor physician practice and discipline those who deviate from them. In many instances, physician compensation is tied to compliance with guidelines, or hospital and employer reimbursement from Medicare and other payers is linked to such compliance, leading the employers to pressure the doctors to comply.
14. Doctors increasingly are occupied with trying to learn and comply with numerous guidelines and standards and do not have the time or inclination to do independent research of the medical literature that is behind them. And even when doctors are aware of the underlying research, their employers are only looking to entities like the FDA anyway, and do not allow doctors the freedom to apply their knowledge and discretion to individual patient care.
15. The media will parrot pronouncements coming out of the FDA, such as "You are not a horse," etc., and there is censorship of any opposing view through organized censorship such as the Trusted News Initiative. This leads patients to believe that such pronouncements are authoritative, and so they are also wanting care that complies with such pronouncements.
16. Insurance companies are refusing to pay for ivermectin for COVID-19, and the only basis for this is pronouncements and pressure from the FDA. But, of course, insurance companies are happy to have a reason not to pay for something.
17. Government pressure, largely through the FDA, has also led pharmacies, especially in large corporate chains, to refuse to fill ivermectin prescriptions for COVID-19, because that position is supported by the FDA.
18. I have been referred to the Washington Medical Commission and Arizona Medical Board for disciplinary proceedings for prescribing ivermectin to treat COVID-19. The referrals include copies of the FDA's publications directing against the use of ivermectin to treat COVID-19.
19. In the cases for which I am being investigated by the Washington Medical Commission and the Arizona Medical Board, the patients did very well by following my prescribed treatment, and they were both very happy with their care. Both have provided affidavits that support me and praise my care for them.


20. Medical licensing boards often rely on consensus of what is the standard of care for the basis of their decisions on prescribing something off-label like ivermectin. They may ignore whatever mountain of evidence we supply from the medical literature in favor of that consensus in making their decisions. That consensus is formed to a large degree by pronouncements from the FDA, especially in an environment where opposing views are censored.
21. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 28, 2022

A handwritten signature in black ink, appearing to read 'Robert L. Apter', is written over a horizontal line.

Robert L. Apter, MD, FACEP

Robert Apter, MD, FACEP



**CURRICULUM VITAE (CV)**  
updated 4/28/2022

**SUMMARY:**

I am an ABEM Board Certified emergency physician, currently licensed in Washington and Arizona. Since 4/20/21, I have been practicing telemedicine primarily for Covid-19 with myfreedoctor.com. Prior to that, since 8/19/2020, I was a Covid-19 contact tracer for the Yavapai County (Arizona) Health Department. Prior to that, I did full-time emergency medicine practice for over 40 years, and part-time for 2 years ending July, 2020.

I have done extensive study of the medical literature and shared practice experience for Covid-19. The group to which I belong, myfreedoctor.com, has to date had over 200,000 patient consultations, and I have done over 6,000 of these. About half of these are for prophylaxis and half for treatment, with over 99.9% survival. Most treatments are for acute cases, but we also treat Long Covid cases and vaccine injuries.

I have a wide variety of emergency medicine experience including 28 years as Medical Director of the Emergency Department at United General Hospital in Sedro-Woolley, Washington and at Island Hospital in Anacortes, Washington; President of the Medical Staff in a 2-hospital system (Affiliated Health Services, Skagit County, Washington); and President of the Washington Chapter of the American College of Emergency Physicians. My more recent clinical experience has also been varied, including full-time work in Yuma, a very busy, very high acuity ER, where I worked in the highest acuity area; the Mayo Clinic Hospital in Phoenix; John C Lincoln Hospitals, where I did shifts with the trauma team at their Level 1 trauma



center. More recently I worked at Florence Hospital at Anthem and Cobre Regional Medical Center in Globe, AZ, both small rural hospitals which see more than their share of critical patients and where the ER doctor is very much on his own. I also have done occasional work in the Dignity Freestanding Emergency Departments in the Phoenix area.

The departments I managed as Medical Director had an outstanding record of exceptionally high marks on patient satisfaction surveys, including numerous months of 99<sup>th</sup> percentile rank on Jackson surveys at Island Hospital. We also had outstanding emergency physician stability of tenure, including 15 years at Island Hospital with no full-time emergency physician leaving except for one retirement. In addition, there were no malpractice suits during that period.

My work for most of my career was in smaller emergency departments. There, I saw the gamut of emergency problems, which are rarely diverted elsewhere before coming to our facility. In a smaller emergency department, we often have to take charge of cases with relatively little support from consultants and specialized personnel.

My work in Yuma was in their main ED, a high-volume, fast-paced, high acuity department where all minor cases are triaged to two adjoining lower acuity emergency departments. It is common to be handling multiple critical cases at what time.

My Mayo Hospital experience included many patients with complicated medical histories and relatively unusual medical problems.

In my Washington State experience, I have worked at all three emergency departments in Skagit County. I served a variety of Medical Staff positions, including a 2-year term as President of the Medical Staff of Affiliated Health Services, which was the combined Medical Staff of the two larger hospitals of the County, in 1999-2000.

I have worked with Cerner, Meditech, Epic, and MedHost.

As a long term Skagit County, WA resident, I developed extensive community contacts through my long association with Rotary, and as a Board Member of the Skagit Land Trust.

| EDUCATION   | DEGREE |
|---|--------|
| 1974-76 Virginia Mason Hospital, Seattle<br>Resident, Internal Medicine |        |
| 1970-74 U. of Colorado School of Medicine                               | MD     |
| 1968-70 U. of California, Berkeley                                      | AB     |
| 1966-68 Wesleyan University, Middletown, CT                             |        |

#### **CERTIFICATION AND FELLOWSHIP**

2013 Recertified as Diplomate ABEM, through December, 2023.

2003 Recertified as Diplomate ABEM, through 12/2013

1994 Recertified as Diplomate ABEM

1984 Fellow, American College of Emergency Physicians

1984 Diplomate, American Board of Emergency Medicine

ACLS certified through July, 2021

PALS certified through Dec 2018

ATLS certified through 11/5/2021

## **LICENSURE**

|                    |                       |
|--------------------|-----------------------|
| 1975-present       | Washington MD00014471 |
| Dec, 2010- present | Arizona # 44057       |

## **EXPERIENCE**

|                  |  |
|------------------|--|
| 4/20/21- present | Telemedicine with myfreedoctor.com   |
| 8/2020-4/2021    | Contact Tracer, Yavapai County Health Department   |
| 9/2018- 7/2020   | Emergency Physician, part-time, Cobre Valley Medical Center, Globe, AZ                         |
| 11/2016-4/2020   | Emergency Physician, part-time, Dignity Freestanding Emergency Departments, Phoenix metro area |
| 10/2019- 2/2020  | Emergency Physician, per diem, Florence Hospital at Anthem, under Steward Health Care          |
| 11/2014-6/2018   | Emergency Physician, Florence Hospital at Anthem, AZ   |
| 11/2016-10/2017  | Emergency Physician, part-time occasional, Banner Casa Grande Medical Center, Casa Grande, AZ  |



|                 |  |
|-----------------|--|
| 2016            | Emergency Physician, part-time occasional, Gilbert Hospital, Gilbert, AZ   |
| 9/2014-2016     | Emergency Physician, part-time, John C Lincoln Hospitals (now Honor Health), Phoenix, AZ   |
| 2/2011-3/2015   | Emergency Physician, Yuma Regional Medical Center, Yuma, AZ. (initially contracted through Maxim Physician Resources; employee of Southwest Emergency Physicians since April, 2012)  |
| 7/2012-9/2012   | Emergency Physician, Providence Centralia Hospital, Centralia, WA (contracted through EmCare)  |
| 5/2011-6/2012   | Part-time Emergency Physician, Mayo Clinic Hospital, Phoenix, AZ.  |
| 1/2012-5/2012   | Part-time Emergency Physician, Banner Baywood Hospital, Mesa, AZ (contracted through Team Health)  |
| 2007-June, 2013 | Emergency Physician, Island Hospital, Ancortes, WA (contracted through Team Health).   |
| 1987-2007       | Medical Director, Island Hospital (WA) Emergency Department. I successfully managed a small community Emergency Department for 20 years. We never failed to pass a JCAHO review, and had outstanding patient satisfaction surveys from Endresen Research and the Jackson Organization. Our physicians were all Board Certified in Emergency Medicine. We had outstanding stability in our department. Over a 15 year period, we did not have a full-time physician leave our department except for retirement! |
| 1991-2002       | Emergency Physician, part-time, Skagit Valley Hospital. During that time United General Hospital and Skagit Valley Hospital had joined as Affiliated Health Services.  |

|           |  |
|-----------|--|
| 1976-2002 | Emergency Physician, United General Hospital. Medical Director of the Emergency Department, 1978-1989. Part-time position 1987-2002. |
| 1993-1998 | Director, Affiliated Health Services Paramedic Program   |
| 1981-1998 | Medical Director, Aero-Skagit Ambulance (Concrete, WA)   |
| 1978-1993 | Director, United General Hospital Medic One (Paramedic) Program  |
| 1976-1980 | Medical Director, Respiratory Therapy, United General Hospital   |

#### **MEDICAL STAFF POSITIONS**

|                  |           |                                 |
|------------------|-----------|---------------------------------|
| Island Hospital: | 2008-2007 | Credentials Committee           |
|                  | 2006-2008 | Quality Assurance Committee     |
|                  | 2006-2007 | Medicine Dept. Committee        |
|                  | 1987-2007 | Chair, Emergency Dept Committee |
|                  | 2004-2006 | Facilities Planning Committee   |
|                  | 1988-2006 | Critical Care Committee         |
|                  | 1988-2006 | Trauma Committee                |
|                  | 1999-2006 | Co-Chair, Trauma Committee      |
|                  | 1996-1997 | Chief of Medicine               |

#### **Affiliated Health Services (United General Hospital plus Skagit Valley Hospital)**

|            |   |
|------------|---|
| 1/01-12/02 | Immediate Past President, Medical Staff |
| 1/99-12/00 | President, Medical Staff                |
| 1/97-12/98 | President-Elect, Medical Staff          |

|                         |                                 |
|-------------------------|---------------------------------|
| United General Hospital | Executive Committee             |
|                         | Emergency Committee             |
|                         | (Chairman, 1978, '79, '85, '87) |
|                         | Special Care Committee          |

Disaster Committee  
Library Committee  
Quality Assurance Committee  
Ancillary Services Committee

## **MEDICAL SOCIETIES**

|              |   |
|--------------|---|
| 1976-present | American College of Emergency Physicians, Washington Chapter (Arizona Chapter since 2012) |
| 1984-1985    | President, Washington Chapter   |
| 1984-1985    | National ACEP Councilor   |
| 1983-1984    | President-Elect   |
| 1978-1987    | Board of Directors  |
| 1976-2009    | Washington State Medical Association  |
| 1984-1992    | Washington State Interspecialty Council   |
| 1985-1986    | Spokesman, Public Relations Program   |
| 1983-1986    | Key Contact Physician   |
| 1976-2009    | Skagit-Island Counties Medical Society  |
| 1988-1991    | WSMA Delegate   |
| 1977-2002    | Skagit-Stanwood-Camano Emergency Medical Services Council                                 |
| 1998         | 20-year Service Award   |
| 1991         | Council Service Award   |
| 1982-1983    | Treasurer   |
| 1978-1980    | President   |

## **OTHER ACTIVITIES**

Team Physician, Pediatric Podiatry Surgical Mission, sponsored by Healing the Children, Mukilteo, WA

10/29/10-11/4/10 Nepal Orthopedic Hospital, Kathmandu, Nepal

3/24/07-3/31/07 Saint-Paul Hospital, Hanoi, Vietnam

1983-2015 Member, Rotary International

2005-2006 President, Anacortes Rotary

2004-2005 President-Elect Anacortes Rotary

2004-2005 Rotarian of the Year, Anacortes Rotary

2003-2004 Vice-President, Anacortes Rotary

2002 Diamond Circle Award

1997-2007 United Way of Skagit County

Co-Chairman, Red Feather Campaign

Sea Kayaking Member, Sound Rowers (and kayakers) 1995-2008

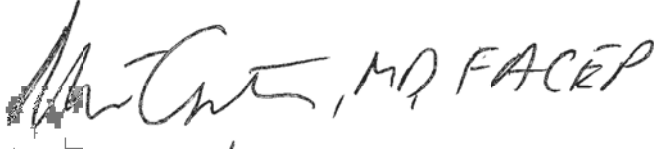
Recreational training and racing

1997-2003 Race Director, San Juan Challenge

(marathon sea kayak race of 42 miles in 2 days)

Trail running, mountaineering

Skagit Land Trust Board of Directors, 9/2006-3/2010  
2006-2012 Investment Committee

  
5/28/22